



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2867



The Monadnock Community
Day Care Center, Inc.
Attn: Cynthea Herreid
PO Box 262
Peterborough, NH 03458

Re: Monadnock Community Day Care
Peterborough, NH
EPA # 1875030

**ADMINISTRATIVE ORDER
No. WD 02-38**

November 4, 2002

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to The Monadnock Community Day Care Center, Inc. pursuant to RSA 485:4 and RSA 485:58. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. The Monadnock Community Day Care Center, Inc., operating under the trade name of Monadnock Community Day Care, is a New Hampshire corporation having a mailing address of P.O. Box 262, Peterborough, NH 03458. Cynthea Herreid is the Administrative Director and water system representative.

C. STATEMENTS OF FACTS AND LAW

1. RSA 485:3 authorizes DES to regulate public water supplies. RSA 332-E:3 authorizes DES to adopt drinking water rules which identify criteria and standards to ensure the proper certification of water system operators. Pursuant to this authority, DES has adopted NH Admin. Rule Env-Ws 367.
2. The Monadnock Community Day Care Center, Inc. is the owner of a water system which serves approximately 90 children and staff in one building located in the community of Peterborough, NH ("Water System"). The Water System is a non-transient, non-community water system as defined in RSA 485:1-a, XI and Env-Ws 302.02(aw).

I. Certified Operator

3. RSA 332-E and Env-Ws 367.02 require all community and non-transient, non-community water systems to retain the services of an operator who is certified by DES to perform operating functions.

4. On or about May 21, 2002, DES sent a notice to the Water System informing them that the Water System was required to retain a certified operator and to notify DES of the name of the operator by June 21, 2002.
5. DES did not receive a written response to the May 21, 2002 letter.
6. On or about July 24, 2002, a Letter of Deficiency ("LOD") was issued to the Water System. The LOD requested that the Water System obtain a certified operator by August 23, 2002, of the proper grade to operate and maintain the water system and notify DES in writing of the name and license number of the operator.
7. The LOD was received by the Water System as evidenced by the signed postal receipt.
8. To date, the Water System has failed to retain a certified operator as requested by the LOD.

D. DETERMINATION OF VIOLATIONS

1. The Water System has violated RSA 332-E and Env-Ws 367.02 by failing to hire a certified operator.

E. ORDER

Based on the above findings, DES hereby orders Monadnock Community Day Care Center, Inc. as follows:

1. **Within 21 days of the date of this Order**, retain the services of a certified operator of the proper grade to maintain the Water System, and verify in writing to DES the name and license number of the certified operator.

Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Alan Leach
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095
Telephone: (603) 271-2954
Fax: (603) 271-3490
e-mail: aleach@des.state.nh.us

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Monadnock Community Day Care Center, Inc. of the obligation to comply with the Order.

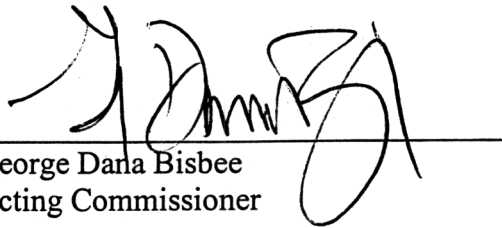
G. OTHER PROVISIONS

Please note that RSA 485:58 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Monadnock Community Day Care Center, Inc. remains obligated to comply with all applicable drinking water statutes and rules. DES will continue to monitor Monadnock Community Day Care Center, Inc.'s compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Hillsborough County Registry of Deeds so as to run with the land.



Harry T. Stewart, P.E. Director
Water Division



George Dana Bisbee
Acting Commissioner

Certified Mail/RRR: 7099 3400 0003 0691 0232

cc: Gretchen Rule, DES Legal Unit
Public Information Officer, DES PIP Office
Jennifer Patterson, Sr. Assistant Attorney General
DHHS Child Care Licensing Bureau
Hillsborough County Registry of Deeds
Board of Selectmen, Town of Peterborough
Thomas W. Weeks, Health Officer, Town of Peterborough
US EPA, Region I